

Application No. 10/688,408
Amendment dated September 1, 2004
Reply to Office Action of August 11, 2004

REMARKS/ARGUMENTS

By this Amendment, claim 2 is canceled and claims 1, 3, 4 and 7 are amended. Claims 1-4 are pending.

ALLOWABLE SUBJECT MATTER:

It is first noted and appreciated by applicants that the Examiner stated that claims 4 and 7 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. By the present Amendment, applicants have amended claims 4 and 7 such that they should be allowable. It is respectfully requested that the Examiner withdraw the objection and pass claims 4 and 7 to allowance and issuance.

REJECTION UNDER 35 U.S.C. 112

The Examiner first rejected claims 1-3 and 5-6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,681,406 (Yang). This rejection is traversed for the following reasons.

First, the Examiner states that Yang discloses a trouser belt including a strap having first and second ends with two nonelastic portions and a short elastic portion therebetween which provides a limited lengthwise expansion of the strap. Further, the Examiner states, a buckle is attached to the first end to secure a portion adjacent to the second end and a conventional keeper on the strap is adjacent to the buckle to hold the second end of the belt. This is not disputed.

However, the Examiner states that it is inherent that the short elastic portion is hidden by the keeper when the belt is fastened about the waist. This is not the case. The keeper of the present invention is a small loop of belt material designated as item call-out number 26 and functions to hold

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the second end 18 of the strap 14 by placing the strap through the aperture of the keeper. Whether or not the elastic portion is hidden by the keeper when the belt is fastened is irrelevant. As claimed in independent claims 1 and 5, the short elastic portion must be located substantially beneath the keeper.

None of the figures of the Yang patent teach or suggest locating its short elastic portion underneath its keeper. It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112 and pass all of claims 1-3 and 5-6 to allowance.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

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Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

September 1, 2004

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

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